

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

GUNNAR H. MERTZ,

3:10-CV-00260-AC

Plaintiff,

ORDER

v.

AMERICAN FAMILY INSURANCE,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#49) on March 16, 2012, in which he recommends this Court deny Defendant's Motion (#41) to Dismiss Under FRCP 12(b)(1) For Lack Of Jurisdiction. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#49). Accordingly, the Court **DENIES** Defendant's Motion (#41) to Dismiss Under FRCP 12(b)(1) For Lack Of Jurisdiction.

IT IS SO ORDERED.

DATED this 11<sup>th</sup> day of April, 2012.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge